

2005

50th Annual Governor's Conference

on Workers' Compensation and Occupational Safety & Health

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WAWCB

Western Association of Workers' Compensation Boards



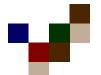
Presented by:

Governor Brian Schweitzer

Montana Department of Labor & Industry

June 15-17

Holiday Inn SunSpree Resort West Yellowstone, MT





Office of the Governor State of Montana

BRIAN SCHWEITZER GOVERNOR



JOHN BOHLINGER Lt. GOVERNOR

June 2005



Dear friends:

Welcome to beautiful West Yellowstone! On behalf of all Montanans, thank you for choosing our state for your Western Association of Workers' Compensation Board's annual conference.

I hope you have planned some extra time to see the sights in and around Yellowstone Park. Montanans are proud to be the host for visitors to this, the first and arguably the most fascinating National Park.

And to my Montana friends registered for the annual Governor's Conference on Worker's Compensation, thank you for your work on behalf of Montana workers and their families. I applaud the continued efforts to provide Montana workers, many of whom work in potentially dangerous environments, with safe workplaces that minimize the risk of injury.

Thank you, too, for your efforts to provide Montanans a well-managed worker's insurance program that is accessible and affordable for employers and ensures injured workers and their families timely and professional health care and assistance when injuries do occur.

Commissioner Kelly will report directly to me upon his return from the Conference. Be sure to let him know what I can do to assist you in the future.

Best wishes for a successful and productive meeting.

Sincerely.

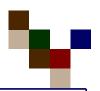
BRIAN SCHWEITZER

Governor

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Wednesday ~ June 15, 2005



Registration—8:00 am to 4:30 pm

9:00 am—12:00 pm

Pre-Conference Workshop

Yellowstone Ballroom

Occupational Safety & Health: Creative Training Techniques
Susan McMaster, CIT
Dean of Instruction, Central Carolina Technical College

1:00 pm—1:15 pm

Conference Opening & Welcome

Commissioner Keith Kelly MT Department of Labor & Industry

1:15 pm—2:40 pm

Opening Keynote

Yellowstone Ballroom

Optimal Performance Through Optimal Health

Nicholas R. S. Hall, PhD

Sponsored By: Jim Palmer Trucking Putman & Associates Refreshment Break—2:40 pm to 3:00 pm Hayden Hall Sponsored By: NCCI

3:00 pm—4:15 pm

Opening Keynote (continued)

Yellowstone Ballroom

Optimal Performance Through Optimal Health

Nicholas R. S. Hall, PhD

Sponsored By:

Bothe & Lauridsen PC Browning, Kaleczyc, Berry & Hoven PC Carey Law Firm Crowley, Haughey, Hanson, Toole & Dietrich, PLLP Mary Jane Barrett of Forensic Nursing Inc Evening Reception—6:30 pm to 8:00 pm Yellowstone Ballroom

8:00 pm—Midnight

Music in Resort Lounge

Sponsored By:

Garlington, Lohn & Robinson PLLP Halverson, Sheehy & Plath PC Hammer, Hewitt & Sandler PLLC Keller, Reynolds, Drake, Johnson & Gillespie PC



Thursday ~ June 16, 2005



Registration from 7:00 am to 4:30 pm

Breakfast Buffet 7:30 am to 8:30 am - Union Pacific Depot Dining Hall

Workers' Compensation

Canyon/Dunraven/Geyser

Critical Incident Response as a Risk Management Tool

Critical Evaluation of IME Reports:

Marjorie Eskay-Auerbach, MD, JD

Jamie Becker, LCSW-C **Behavioral Health Care Coordinator** Laborer's Health & Safety Fund of North America

Breakfast Buffet Sponsored By:

Alternative Service Concepts LLC Deaconess Billings Clinic Occupational Health **Mountain Water Company Stimson Lumber Company**

8:45 am—10:00 am

Occupational Safety & Health

Electric/Faithful

Mold Busters:

Airborne Contaminants of Biological Origin

Deborah Dietrich, CIH

Vice President and Corporate Industrial Hygienist for SKC, Inc.

Sponsored By:

Pain Ratings & Issues Related to Low Back Injuries

Laborers-Employers Cooperation Fund

Refreshment Break-10:00 am to 10:20 am

Hayden Hall

Fall Protection

Jeff Harris

Fall Protection/Respiratory Gas Detection Sales Manager-Bacou-Dalloz

Sponsored By: **Stillwater Mining Company** Smelter & Refinery

Lunch-11:45 am to 1:15 pm **Union Pacific Depot Dining Hall**

10:20 am—11:45 am

Sponsored By: Payne Financial Group

Sponsored By:

Mergenthaler Transfer & Storage

Workers' Compensation Court Update

Judge Mike McCarter MT Department of Labor & Industry 1:15 pm—2:45 pm

Making Behavioral Observation & Feedback Effective

Brad Kimble, PE, CSP Western Region Safety Coordinator **ATC Associates**

Sponsored By: Industrial Injury Claims a subsidiary of Midland Claims Service Inc Refreshment Break—2:45 pm to 3:05 pm **Hayden Hall**

Sponsored By: Town Pump

Legislative Update: Workers' Compensation Changes

Steve Carev Attorney Carey Law Firm **Electrical Safety**

3:05 pm—4:30 pm

Jerry Vercella & Kathy Griffith **Safety Instructors** NorthWestern Energy

Sponsored By:

Concentra Integrated Services Mary Jane Barrett of Forensic Nursing Safety Awards & Banquet-6:00 pm to 7:30 pm **Union Pacific Depot Dining Hall**

Sponsored By: Hanser's Automotive

& Wrecker Company Montana State Fund Montana Tavern Association



Fríday ~ June 17, 2005



Continental Breakfast 7:30 am to 8:30 am - Hayden Hall

Workers' Compensation

Canyon/Dunraven/Geyser

Continental Breakfast Sponsored By: Fall River Rural Electric Coop Inc

Montana Health Systems Inc
St Vincent Occupational Health Services

Occupational Safety & Health

Electric/Faithful

Independent Contractor-New Employee Changes

Jerry Keck, Dallas Cox, Kevin Braun and Larry Jones Department of Labor & Industry Montana State Fund Liberty Northwest Empowering People for Long-Term Success

Dana Jefferies Safety Director Plum Creek Timber Company

Sponsored By: Admiral Beverage Corporation

Refreshment Break—10:00 am to 10:20 am Hayden Hall

8:30 am—10:00 am

Sponsored By:Montana Logging Association

Asbestosis: The Libby Connection

Dr. Alan Whitehouse

10:20 am—11:30 am

OSHA Update

Mary Lynn, CIH, CSP OSHA Consultant Project Manager Region VIII

Wrap-up & Door Prizes—11:30 am to Noon

Yellowstone Ballroom

Jerry Keck, Administrator
MT Department of Labor & Industry

Must Be Present To Win!





Opening Keynote

Nicholas R. S. Hall, PhD

Dr. Hall will discuss how the immune system can influence performance and how at the same time emotional turmoil can impair the immune system and health, sometimes long after the precipitating event. He will review scientific evidence in support of the various points to be discussed along with examples underscoring their relevance in the occupational health and workers' compensation arena. Dr. Hall will explain how the brain and immune system are linked via anatomical and chemical pathways. In addition, he will explain how this is a bidirectional conduit enabling the brain and immune system to communicate with each other. He will also explain how beliefs can influence health and things that can be done to convert unhealthy beliefs into ones that will foster optimal health. Dr. Hall will discuss how to correct imbalance within the immune system through diet, exercise and mental approaches. These are approaches that have been proven effective in work with elite athletes, health care providers and law enforcement agents. Dr. Hall will offer practical suggestions on how occupational health and workers' compensation professionals can utilize optimal performance techniques in their everyday practices.

Dr. Hall is the Director of the Institute for Health and Human Performance and the Director of the Wellness Center at the Saddlebrook Resort in Wesley Chapel, Florida. He received his BA in Psychology from the University of Florida and his PhD in Neuroscience from the University of Florida College of Medicine. Dr. Hall is an internationally recognized Psychoneuroimmunologist who has conducted pioneering research delving into the interrelationships between the emotions and health. Since 1972, his research on the mind and body (supported by the National Institute of Health) has been featured on numerous television programs including CBS "60 Minutes," the BBC "Nova" series, and the Emmy Award winning series "Healing and the Mind" produced by Bill Moyers for PBS. He has published over 150 research articles and book chapters, and was senior editor of the highly acclaimed book, Mind Body Interactions and Disease, which was commissioned by the National Institutes of Health.

General Sessions

Jamie Becker

Jamie Becker has been in the employee assistance field for almost 10 years. She has an MSW and LCSW-C. Jamie currently works in Washington, D.C. as the Behavioral Health Care Coordinator for the Laborers' Health and Safety Fund of North America, a joint labor-management organization founded in 1988 by the Laborers' International Union of North America (LIUNA). Jamie addresses the mental health and substance abuse needs of an 800,000 person Labor Union from an administrative, policy, educational and clinical perspective. Given the nature of their work, critical incident response has always been a recognized need for LIUNA members. However, since the events of September 11, 2001, Jamie has focused a lot of her attention on developing a nationwide Basic Emergency Response Awareness program for LIUNA and a Disaster Site Worker Course Pilot for OSHA-NIEHS. She has developed curriculum on these topics for both instructors and participants and has lead "train the trainer" classes for instructors.

Most Recent Speaking Opportunities on Critical Incident Response:

Multiple speaking engagements at LIUNA sponsored events such as the:

- LIUNA Tri-Fund Conference, January 2004
- Public Employee Leadership Conference, February, 2004
- LIUNA Eastern Regional Conference, June 2004
- Minnesota, North Dakota and Wisconsin Laborers' Joint Training Conference, July 21-22, 2004.
- Virginia State Building and Construction Trades Council, August 2004

Non-LIUNA Recent Speaking Opportunities on Critical Incident Response:

- Environmental Workers Training and Education Program Medical Conference, August, 2004
- Washington State Governor's Industrial Safety and Health Conference, September, 2004
- Employee Assistance Professionals Association Conference, November 2004.

Kevin Braun

Kevin Braun is currently an attorney for Montana State Fund. He received his undergraduate degree from Montana State University, 1982. He completed his law degree from the University of Montana in 1992. Kevin started his career with the Workers' Compensation Court in 1992 and moved into an attorney position with the Montana Department of Labor and Industry by 1993. Kevin is the former Chief Legal Attorney for the Department of Labor and Industry.





General Sessions

Steve Carey, Attorney

Steve Carey is the owner of Carey Law Firm with offices in Missoula, Montana. His practice is concentrated in workers' compensation, personal injury actions and medical malpractice. He has over twenty years of experience representing injured workers, insurers, and employers. As listed in the Department of Labor's supplemental to the annual report in the past fiscal year, Mr. Carey obtained the highest total workers' compensation awards in the State of Montana. Mr. Carey has been a frequent speaker across the state on legal matters.

He is a member of the Montana and American Bar Associations. Mr. Carey is also a member of the Montana Trial Lawyers Association, Montana Defense Trial Lawyers Association and the Association of Trial Lawyers of America.

Dallas Cox

Dallas is the lead Compliance Specialist for the State of Montana Independent Contractor Central Unit with the Department of Labor & Industry Employment Relations Division (ERD) overseeing all independent contractor exemption and employment issues. He has been with ERD for the past three and a half years. He has worked in state government for over 12 years in both Alaska and Montana. In Alaska, he was the Accounting Supervisor II for the Child Support Enforcement Division, responsible for collecting and disbursing over \$90 million dollars a year in child support.

He joined the United States Air Force in April 1973 and retired from the Military Intelligence Career Field as a Surveillance and Warning Center Supervisor and NCOIC of Operations Analysis Training in May 1993.

Deborah Dietrich, CIH

Deborah is currently the Vice President and Corporate Industrial Hygienist for SKC, Inc. She manages sales, marketing, customer service and technical support services for North America, South America, and the Asia-Pacific. Deborah also prepares and implements company policies and programs in all areas related to the customer interface. She is responsible for preparing and presenting training programs and seminars for employees, distributors, manufacturer's representatives and customers, and she prepares and audits health and safety programs at the SKC manufacturing facility. She has an MS degree in Environmental Science/Industrial Hygiene from the University of Texas School of Public Health, Houston, Texas, graduating in 1982 and a BS in Medical Technology from the Indiana University of Pennsylvania in Indiana, Pennsylvania. Deborah is also certified in Comprehensive Practice of Industrial Hygiene, American Board of Industrial Hygiene, 1988.

Leadership in Professional Organizations

- Author of chapter on "Sampling of Gases and Vapors" in AIHA Publication, The Occupational Environment—Its Evaluation and Control.
- Co-author of chapter on "Sampling and Laboratory Analysis of Gases, Vapors and Aerosols" in the AIHA Publication, <u>Essential Resources</u> for Industrial Hygiene.
- Past Director of the National AIHA Board (1992-1995)
- Past President of the Gulf Coast Section AIHA (1986-1987)

Marjorie Eskay-Auerbach, MD, JD

Marjorie Eskay-Auerbach, MD, JD, is a board certified orthopedic surgeon, board certified spine surgeon and medical-legal consultant with a special interest in spine care. She practiced spine surgery and non-operative care of back and neck injuries in Phoenix for approximately 10 years. She attended the University of Arizona Law School from 1996- 2000, after which she resumed her medical practice with a focus on medical-legal issues. Her current clinical practice focuses on non-operative care and medical pain management of patients with neck and back problems. She performs medical-legal consultations, independent medical evaluations and record reviews, and provides expert opinions and testimony.

Dr. Eskay-Auerbach is board-certified by the American Academy of Orthopedic Surgeons and the American College of Spine Surgery. She is an active member of the North American Spine Society, serving as a member of the Board of Directors and Chairperson of the Public Relations Council. She is also a member of the American Academy of Pain Management. She speaks nationally, is an educator for the AMA on the most recent edition of the AMA Guides to the Evaluation of Permanent Impairment, and teaches multiple CLE courses, including a course entitled, "Orthopedics for Lawyers." Dr. Eskay-Auerbach received her JD from the University of Arizona in 2001, and she is a member of the Arizona Bar.

Kathy Griffith

Kathy Griffith has worked in the Safety, Health and Environmental Services Department for NorthWestern Energy for seven years. She is a Safety Educator who is responsible for conducting classroom presentations for NorthWestern Energy on electric safety and is responsible for the Resource Library in Safety, Health, and Environmental Services Department.





General Sessions

Jeff Harrís

Jeff is currently employed by Bacou-Dalloz, the world's largest manufacturer of safety products, as the Fall Protection/Respiratory Gas Detection Sales Manager. As a Manufacturer's Representative, he has traveled and supported safety products for the northwest, covering eight states from Alaska to Colorado. Jeff has been calling on construction and general Industry for 18 years and has 15 years experience selling fall protection equipment. His presentation will cover basic fall protection awareness, how to get the point across so the employee will comply and the latest concerns in the industry. He will also show and demonstrate the latest technology.

Dana Jefferies, CSP

Dana received his B.S. in Occupational Safety and Health from Utah State University in 1976. He is a Certified Safety Professional with 30 years experience in Nuclear and Forest Products, high tech and no tech. Dana has been employed by Rockwell International, Champion International, with his current employer of 20 years, Plum Creek Timber Company.

His conference presentation is "Empowering People For Long-Term Success". If you are tired of "pushing on the rope", if you've been doing the same thing for a long time, but still expecting something different to happen, or if your safety performance seems stagnated, then it's time to revisit the basics. In this presentation you will learn a new technique that does it all, a "One Stop Shop" for achieving safety excellence. From Job Hazard Analysis to Behavioral Based Safety, Ergonomics to Lockout, Emergency Response to Safety Responsibility, and finally Accountability, it does it all. This high-energy and interactive presentation has something for everyone interested in, or responsible for injury prevention. It's all about involving people from the beginning.

Larry Jones

Larry Jones is a member of the Montana Defense Trial Lawyers Association and has been the Senior Attorney for Liberty Northwest Insurance Corporation since 1994. He received his J.D. from the University of Montana, School of Law in 1982 and his B.A. in Philosophy in 1977, also from the University of Montana. Larry served on the 2001 Special Session SB19 Committee (study of restructuring of Montana State Fund).

Jerry Keck

Jerry Keck is the Administrator of the Employment Relations Division (ERD) of the Montana Department of Labor and Industry. ERD provides a wide variety of services and regulation related to the employer – employee relationship. The Division includes the Workers' Compensation Claims Assistance Bureau, the Workers' Compensation Regulation Bureau, the Safety Bureau, the Labor Standards Bureau, and the Human Rights Bureau. The Division also provides education and technical assistance to employers in understanding and complying with state labor laws, and provides informal investigations and mediation of disputes that do arise.

Jerry has been an employee of the Montana Department of Labor and Industry for 23 years. He has been Administrator of ERD since October 1998. Prior to being appointed as Administrator, he worked as an investigator, compliance supervisor and bureau chief in the Human Rights Bureau.

Brad Kimble, PE, CSP

Brad Kimble is the Western Region Safety Coordinator for ATC Associates Inc (ATC) in Billings, Montana. ATC is a nationwide environmental remediation and EHS compliance firm specializing in design, construction, compliance and safety services. With 65 branch and regional offices in 36 states, ATC provides professional services addressing building sciences, environmental, infrastructure, geotechnical/construction material testing and training. Brad is a Certified Safety Professional and a registered professional engineer in the States of Montana, Colorado and North Dakota. Brad holds a Bachelor of Science degree in Agricultural Engineering from Colorado State University.

With over 12 years experience in engineering design, safety management, construction and construction management, Brad has successfully utilized his "hands on" experience to help develop and improve his employer's safety culture and safety record. Brad's efforts have resulted in being awarded BP's Excellence in HSE Award and the Platinum Award for Excellence in Safety Training from the Wyoming/Montana Safety Council. Brad has developed behavior-based safety programs and procedures and firmly believes the modification of an employee's safety behavior will result in a safer workplace.





General Sessions

Mary Lynn, CIH

Mary began her career as an Industrial Hygienist for the Department of the Navy at Portsmouth Naval Shipyard in New Hampshire in 1982. She came to OSHA in 1983, and over her 21-year career she has served as a Compliance Officer, Regional Industrial Hygienist for Federal-State Operations, Assistant Area Director and Team Leader. Mary currently holds the position of Regional Consultation Program Manager. Mary received her Bachelor's Degree in Environmental Health with a minor in Chemistry from Colorado State University. She is a Certified Industrial Hygienist and Certified Safety Professional.

Judge Mike McCarter

Judge McCarter was born in St. Louis, Missouri, and grew up in Denver, Colorado. He attended the University of Colorado from 1966 to 1970, graduating with a B.A. in Political Science. While attending college, he married Dorothy Bickel McCarter, who is now a district court judge for the First Judicial District of Montana. He was also elected Phi Beta Kappa.

He enrolled in Harvard Law School in 1970 and received his J.D. (cum laude) in 1973. Thereafter, he was an associate, then a partner in a small Boston law firm engaged in general practice with litigation emphasis. His association with the firm ended in February 1977, when he became an Assistant Attorney General for the State of Montana, a position in which he served until April 1982. He then practiced law with a small Helena law firm until October 1982, when he was appointed the Chief of the Montana Medicaid Fraud Bureau.

In April 1984, he left the Bureau and entered into private law practice with Hughes, Kellner, Sullivan & Alke. He practiced for nine and a half years with the firm and became a partner, his practice was primarily devoted to litigation. In 1993, he was appointed Judge of the Montana Workers' Compensation Court, taking office on September 7, 1993.

Susan McMaster, CET

Susan McMaster, CET, has been teaching adults for thirty years. She wrote the Instructional Technology Manual and the Implementation Guide for the Z490 Standard for Safety, Health, and Environmental Training. She has developed training programs for numerous facilities and industries. Currently, she has retired from her own training business and has accepted the job of Dean of Instruction at a local technical college.

Jerry Vercella

Jerry Vercella is a Safety and Environmental Coordinator with Northwestern Energy. He is responsible for providing training coordination, training materials, and programs pertaining to safety and health for use by supervisors and employees to assure they meet their safety and health responsibilities. Jerry has a Bachelor of Science degree in Occupational Safety and Health from Montana Tech and has 12 years experience in the occupational safety and health field. Prior to his employment with NorthWestern Energy, he worked as Safety Director for Jordan Contracting, was a safety consultant for ARCO, and Site Safety Officer for ITEX Enterprises.

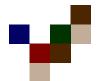
Dr. Alan Whitehouse

Dr. Whitehouse is a board certified pulmonary physician who has maintained a private practice of pulmonary medicine in Spokane, Washington for the past thirty three years. His experience in the evaluation, monitoring, and treatment of individuals exposed to Libby asbestos, lends recognition that he offers key expertise in research activities. Dr. Whitehouse has been the CARD clinic's primary consultant and has provided essential support for the clinic's development. He received a B.A. in chemistry from Cornell University in 1959 and his M.D. from the University of Cincinnati in 1963. Dr. Whitehouse completed his Internship and Residency-Internal Medicine at Duke University Medical Center along with his Fellowship in Pulmonary Disease & Internal Medicine Residency at the University of Colorado.

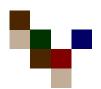
Dr. Whitehouse is a member of the American Board of Internal Medicine & American Board of Pulmonary Disease. Dr. Whitehouse has been published in several journals and is licensed in six states. Appointments include, Medical Director Respiratory Therapy Department-Sacred Heart Medical Center, Spokane, WA; Past President, Washington Thoracic Society; Tuberculosis Control Officer-Spokane County Health Department; Board of Directors, Spokane Community College-Foundation; President, Board of Directors, Spokane Community College Foundation; Washington State Department of Ecology Agricultural Burning Task Force.

He has won several awards:

- Borden Undergraduate Research Prize-1963
- Peter T Kilgore prize -1963- for excellence in medicine
- Alpha Omega Alpha honorary medical fraternity 1963



2005 SAFETY AWARDS



Large Private Employer

Envirocon Inc ~ Missoula

Small Private Employer

General Mills Inc ~ Great Falls

Mines, Sand & Gravel Operations

Golden Sunlight Mines Inc ~ Whitehall

The 2005 Governor's Conference has been approved for the following education credits:

11.75 CLE Credits (Continuing Legal Education Credits-includes 3 hour pre-conference)
13 Renewal Units (through the Office of Public Instruction)

Forms available at the registration desk!

2006 Governor's Conference

The conference will be held in the fall of 2006. Location and exact date has not yet been determined.

For more information visit our website: www.erd.dli.mt.gov

Click on 'Upcoming Events'